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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

SITEXPEDITE,

Plaintiff,

v.

NeXXCom Wireless LLC,

Defendant.

Document Electronically Filed

Civil Action No.:

2:12-cv-05107-CCC-JAD

DECLARATION OF

SAMUEL JAMES LAWRENCE

I, Samuel James Lawrence, of full age, do hereby declare, pursuant to 28 U.S.C. § 1746, as follows:

1. I am the Chief Executive Officer of Defendant Nexxcom Wireless, LLC ("Nexxcom"). I respectfully submit this Declaration in support of the within motion to dismiss the Complaint and/or to transfer venue based upon my personal knowledge.

2. Nexxcom is a California based company located in San Diego, California.

3. On or about March 26, 2012, Nexxcom entered into an agreement with Sitexpedite whereby Sitexpedite was expected to perform various network construction activities on Nexxcom's behalf for several wireless network projects. The activities were to include, but were not necessarily limited to site acquisition, power management, program management and installation.

4. Sitexpedite is a Wisconsin based company located in Oak Creek, Wisconsin.

5. In the ordinary course, Nexxcom generated purchase orders for the Sitexpedite's anticipated activities out of Nexxcom's office in San Diego, California. Invoices for work allegedly performed were then generated from Sitexpedite's office in Wisconsin and sent back to Nexxcom's office in California. Nexxcom then arranged for payments to Sitexpedite from Nexxcom's California office. Copies of paid invoices are annexed hereto as Exhibit "A."

6. Sitexpedite was expected to work on a multiple of wireless network projects located in several states, including but not limited to California, New Jersey, Michigan and Texas.

7. Sitexpedite was involved with the largest project, which was located in Southern California for a customer known as First Solar (the "California Project"). First Solar is located in Southern California. Sitexpedite's primary activity for the California Project was to dig and prepare a trench for the installation of cabling and a wireless network installation, which included the installation of point-to-point radio equipment. The California Project also included site installation activities. For the California Project, Sitexpedite hired subcontractors known as Tidwell Excavating Incorporated and NSA Wireless, which are both based in Southern California. In addition, Sitexpedite hired and deployed its own personnel to oversee the activities for the California Project including Tony Shani who resided in California.

8. The project located in New Jersey was for a customer known as Virtu Financial (the "New Jersey Project"). Virtu is located in both New York and California. The New Jersey Project was smaller in scope than the California Project. Sitexpedite's activities for the New Jersey Project were to perform networking construction. For the

New Jersey Project, Sitexpedite hired subcontractors located in Indiana, Pennsylvania and New York. Sitexpedite only hired two minor tower climbers based in New Jersey for an approximate cost of only \$1,000.00. In addition, Sitexpedite hired and deployed its own personnel to oversee the activities for the New Jersey Project including Stephen Leahan who resided in Pennsylvania. Sitexpedite charged Nexxcom for travel expenses associated with the New Jersey Project.

10. There are several witnesses who are based in California with knowledge of Sitexpedite's performance with respect to the California and New Jersey Projects (not in the employ of Nexxcom). These witnesses would not be available in New Jersey. They include:

a. Dwight Bufford, an engineer for First Solar, who was closely related to the trenching activity. He oversaw the trenching and possessed authority to approve the trenching for payment. He would have knowledge of Sitexpedite's performance with respect to the California Project.

b. James Irish and Chris Durand are, respectively, the President and Vice President of NSA Wireless ("NSA"), a California based company. NSA was the subcontractor hired by Sitexpedite on the California Project to work on the wireless network including installation of radio equipment. In addition, Andy Aim was a former Project Supervisor with NSA and Sam Martinez is an installer for NSA, both of whom worked on the California Project. All these individuals would have knowledge of Sitexpedite's performance with respect to the California Project.


c. Mark Korkowski is a Senior Estimator at Tidwell, a California based company. Tidwell was the subcontractor hired by Sitexpedite on the California

Project to perform the excavation component of the trenching. He would have knowledge of Sitexpedite's performance with respect to the California Project.

d. John Burns is the owner of United Power and Communications ("UPC"), a California based company. UPC performed installation services on many projects including the New Jersey Project. UPC worked on the New Jersey Project at the same time as Sitexpedite. In addition, Gene Ewton is a Construct Supervisor with UPC that supervised the installation crews on-site at the New Jersey Project. Furthermore, Kyle Burns, a tower climber, Daniel Sladariu and Julian Albu, both installers, worked for UPC on the New Jersey Project. All these individuals would have knowledge of Sitexpedite's performance with respect to the New Jersey Project.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: August 20, 2012



Samuel J. Lawrence